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PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

RESTAURANT/RETAIL BUILDING
109 WOLF ROAD

THE STENOGRAPHIC MINUTES of the above entitled matter
by NANCY L. STRANG, a Shorthand Reporter Commencing
on September 12, 2017 at 7:07 p.m. at The Public
Operations Center, 347 Old Niskayuna Road, Latham,
New York

BOARD MEMBERS:
PETER STUTO, CHAIRMAN
BRIAN AUSTIN
CRAIG SHAMLIAN
STEVEN HEIDER
KATHLEEN DALTON
SUSAN MILSTEIN

ALSO PRESENT:

Kathleen Marinelli, Esq. Counsel to the Planning
Board
Joseph LaCivita, Director, PEDD
Daniel Hershberg, PE, Hershberg & Hershberg
Sharon Coy

1 CHAIRMAN STUTO: The clock says 7:00. Welcome to
2 the Town of Colonie Planning Board.

3 Joe, do you want to talk about anything,
4 particularly the GEIS?

5 MR. LACIVITA: Sure. The next Planning Board
6 meeting we have one item on and it's going to be solely on
7 the Airport GEIS update. Joe Grasso is going to take us
8 through the SEQR process and a little bit about what is
9 going to go on that day and then we're going to see that two
10 weeks later when we have to take the action as lead agency
11 for the Airport Area GEIS update. So, that is going to be
12 happening on the 26th.

13 The only other thing that I have
14 administratively was the Comprehensive Plan was going to
15 be on the 20th of September. Due to the holiday, we moved
16 that back to the 27 - that following Wednesday. That will
17 be the Comprehensive Plan meeting that night.

18 CHAIRMAN STUTO: So, that's the day after the
19 Planning Board meeting.

20 MR. LACIVITA: Yes

21 CHAIRMAN STUTO: Okay, upward and onward to the
22 agenda. The first item is Restaurant/Retail building, 109
23 Wolf Road. Application for Environmental SEQR determination,
24 incentive zoning, design Code waivers and final review.

25 Any introductory remarks on this project?

1 MR. LACIVITA: This project has been around for a
2 little bit of time. It's actually gone through three final
3 reviews to get to this point. The applicant has done a very
4 good job.

5 We saw it first at DCC on April 22, 2015 and
6 brought it to sketch shortly thereafter on June 23, 2015.
7 We then looked at concept on March 7, 2017.

8 We then asked the applicant to meet with the
9 neighbors, which they did on a Sunday afternoon.

10 Then, we granted concept April 4th that
11 following meeting in 2017.

12 So, we are here tonight for final review and
13 final approval. As you mentioned there is an incentive fee
14 for that and that totals \$16,120. You have to take action
15 on that. At this point, I'll turn it over to Dan
16 Hershberg.

17 MR. HERSHBERG: Thank you, very much. First of
18 all I'd like to thank the Board and staff for their kindness
19 since the death of my wife which occurred two days after the
20 last time I was in front of this Board.

21 Since the last time that we were here, we made
22 very few changes. The changes are things that you won't
23 see such as the stormwater management system. We have been
24 using a porous pavement area with an underdrain underneath
25 it. We determined that gaining a separation from the water

1 table would be difficult because we are in the area where
2 we would have to maintain four feet worth of separation.
3 So, we changed it to a system of dry swales.

4 These islands are designed to accept
5 stormwater; a dry swale here and one here (Indicating).
6 The system is all treated through a hydrodynamic separator
7 out by the road and discharges less water that currently
8 discharges to the pipe along Wolf Road which is maintained
9 by New York State DEC.

10 After we met with the adjoining owners, we
11 talked about saving trees, replacing trees, location of
12 fence and we came up with a fence along the property line
13 with replacing all the trees in this area here with new
14 trees and offering to plant trees on their side of the
15 fence to the extent that they want them. So, each
16 individual owner will say whether or not they want trees
17 on their side of the fence and if they do, we will provide
18 them.

19 Some of the owners are here tonight. I think
20 that they are pretty much satisfied with what we proposed
21 to do. They do not like the existing trees. They were
22 difficult trees. They were not easy to maintain through a
23 lot of leaves, branches and stuff on their property during
24 windstorms. So, our proposal would be to remove those.

25 We have done significant landscaping on the

1 islands and around the building where we could.

2 If there are any questions by the Board, I'll
3 try to answer them.

4 CHAIRMAN STUTO: I'm going to ask Joe Grasso, our
5 Town Designated Engineer to give his review of the project.
6 I'd like to mention to the neighbors that if they would like
7 to speak on this project, please sign in on the sign-in
8 sheet at the table to your left.

9 Joe Grasso?

10 MR. GRASSO: Thanks. So, the project is up for
11 final site plan review, as Joe and Dan had mentioned.

12 There is a comment letter from our office in
13 your packet. It's a letter dated July 25th which were
14 regarding the most recent submission of the plans. I'll go
15 through that letter.

16 I just want to speak to what Dan was mentioning
17 regarding the buffering to the rear of the property.

18 It was a topic of concern early on in the
19 project and the applicant did meet with the neighbors. We
20 were not at the meeting but we heard a lot of feedback as
21 the project went through the conceptual site plan review
22 process and it seemed like the neighbors that were present
23 at the meeting were supportive of the proposed clearing
24 that was going to be done, but also the extension of the
25 white vinyl fence.

1 You may recall that we provided some pictures
2 of the existing fence that was back there and how they
3 were going to continue that theme through the back of both
4 of these properties as well as the proposed new
5 landscaping that they're going to provide back there which
6 Dan shows on the plan which are primarily evergreen trees
7 which, over time, will provide a significant buffer and
8 probably much more suitable buffer than what is out there
9 today.

10 Obviously if there are any residents here
11 tonight that feel differently about the clearing that is
12 proposed, it would be good that we hear that.

13 Like Dan mentioned, the plan could always be
14 changed in response to those concerns if they arise.

15 There are some waivers that are required based
16 on the plan. You have to remember that this plan is a
17 combination of really two site plans. It's the one parcel
18 with the new restaurant, but it's also making some
19 modifications to the adjacent Wolf's 111 parcel in order
20 to build some efficiencies between the lots and make
21 substantial improvements to the access arrangement.
22 Because of that, there are three waivers being requested.
23 One is the interior parking lot landscaping. The second is
24 the parking lot pavement within 10 feet of the side yard
25 property line because actually they are going to be

1 building one basic common parking lot to serve both sites.
2 The third is the number of parking spaces over the allowed
3 25% maximum.

4 One of the most desirable features of the site
5 is the reconfiguration and expansion of parking for both
6 the project site and the adjacent Wolf's 111 site. The
7 narrative does a good job of providing justifications for
8 the waiver and the need to meet the parking demands of the
9 adjacent Wolf's 111 site. We agree that the need for the
10 parking has been suitably demonstrated.

11 In support of those waivers we have drafted a
12 Resolution for consideration and support of those three
13 waivers.

14 Regarding the greenspace and the incentive
15 zoning fee, there is actually an incentive zoning fee
16 applicable to both sites. So, I'm going to go through what
17 our comment is just so that you have the accurate data.

18 So, the site statistics indicate that the
19 proposed greenspace on 109 Wolf Road is 32.7% and the
20 narrative indicates the applicant is proposing use of the
21 incentive zoning provisions within the zoning regulations.

22 Given the site's location and the layout, we
23 support use of the incentive zoning provisions, based upon
24 the current schedule and the reduction of 2.3% greenspace
25 from the required 35%, the monetary value of the reduction

1 of greenspace is \$16,120. That's what Joe had mentioned in
2 his opening remarks.

3 Additionally, there is a proposed reduction of
4 greenspace on 111 Wolf Road from an existing 20.8% to a
5 proposed 19.7% and based upon the schedule and reduction
6 of 1.1% greenspace from the existing 28.8% the monetary
7 value of the reduction of that greenspace is \$21,072.
8 These funds would be available to the Town for other open
9 space improvement projects throughout the Town. So, we
10 are in support of both of those. Even though the amount
11 of greenspace reduction on the Wolf's 111 parcel is less,
12 it has more value because as you step through from 35%
13 down to a 15% range. The cost per square foot of
14 reduction goes up as you go to every 5,000 square feet.
15 That's why that cost is greater on the Wolf's 111 parcel.

16 The other thing that I just want to mention is
17 regarding the SEQR review. It's a relatively minor project
18 and a short EAF was provided by the applicant and
19 adequately describes the environmental setting and the
20 anticipated level of impacts for the Town. The Town would
21 need to do a SEQR determination. We have and included a
22 draft of a negative declaration for your consideration in
23 the packet and we have included copies of the short EAF as
24 well.

25 With that, I'll turn it back over to the Board.

1 CHAIRMAN STUTO: We're going to hear from the
2 neighbors shortly.

3 Can you talk a little bit about the
4 architecture and whether you have tenants and whether you
5 expect that to change once you do get your tenants?

6 MS. DALTON: Joe, I see that you supported the
7 waiver for the parking and having been in there, I agree.
8 CDTA did mention that they didn't agree and I'm just
9 wondered if you knew why.

10 MR. GRASSO: I think that anytime they see any
11 application that is parking over the minimum required, they
12 are going to make general comments. The consistent comment
13 that we have seen from them - I don't think that it is
14 tailored to the specific tenants that we have to deal with
15 and I think that's why. I don't think that they have any
16 more knowledge about what is happening on the site than the
17 Board does.

18 MS. DALTON: Thank you.

19 CHAIRMAN STUTO: Architecture and whether you
20 expect it to change as you get your tenants.

21 MR. HERSHBERG: The building architecture we
22 think will stay basically the same. However, there is no
23 specific tenant for the site yet. They will probably be
24 multiple tenants given the size of the building. Even if
25 just for a single tenant - there is no current tenant.

1 The major change that we think that we made
2 maybe with the signage -- nobody likes Tenant 1 and Tenant
3 2. They will probably want to modify it some. Certain
4 tenants do require certain color treatment for portions of
5 the building. My guess is that those sort of changes may
6 be made if they rise to the level of reconsideration. If
7 that is subject to the review of this Board, we'll come
8 back for that.

9 CHAIRMAN STUTO: Can you talk about materials
10 that you are using? I mean, they look attractive from the
11 renditions that I have here.

12 MR. HERSHBERG: This is vertical metal siding
13 (Indicating). This is efus with the tenant sign. These are
14 obviously metal panel shutters. We also have the glass
15 storefronts which are consistent with the design
16 recommendations. The principal material use in here is going
17 to be steel siding, actually.

18 CHAIRMAN STUTO: Thank you. The other preliminary
19 question is - on the parking - it's a common owner that own
20 both properties, correct?

21 MR. HERSHBERG: There are common principals
22 involved in it. There might be different entities.

23 CHAIRMAN STUTO: How will we memorialize the
24 borrowing of the parking and the one for the other property?
25 Can you describe how that is going to work?

1 MR. HERSHBERG: There will be a permanent parking
2 easement between the two parcel and an ingress and egress
3 easement between the two parcels.

4 CHAIRMAN STUTO: Cross parking going both ways?

5 MR. HERSHBERG: Yes, that's correct.

6 CHAIRMAN STUTO: Is there anybody here looking to
7 speak on this project?

8 MS. COY: My name is Sharon Coy and I live at 12
9 Kenlyn Drive. Basically, Kevin Parisi came out and met with
10 us in May. We looked at the final plan on-line today and
11 it's exactly what he promised. It's exactly what we agreed
12 upon. We're happy.

13 CHAIRMAN STUTO: Thank you.

14 Anybody else?

15 (There was no response.)

16 Okay, we'll turn it over to the Board.

17 Kathy?

18 MS. DALTON: Nothing.

19 CHAIRMAN STUTO: Brian?

20 MR. AUSTIN: Nothing.

21 CHAIRMAN STUTO: Susan?

22 MS. MILSTEIN: Nothing.

23 CHAIRMAN STUTO: Craig?

24 MR. SHAMLIAN: Can you talk about some of the
25 signage that is being proposed, especially the pylon sign

1 but the building mounted signs as well?

2 MR. HERSHBERG: The building mounted signs, as I
3 said, is a function -- this is set up for multiple tenants.
4 It might very well have one larger tenant and then one
5 smaller tenant so the arrangements of the signs on here
6 would be different. Consequently, if we went with this, we
7 would have to be in front of the Sign Board, I'm sure.

8 The type of signs -- we anticipate that every
9 tenant will want something on this band up here
10 (Indicating). We do show one monument sign right here and
11 again that depends on who the tenants are. It's not a very
12 large sign, it's just for identification for the driveway
13 so people know where to turn in. We can't give you an
14 awful lot on the sign because we don't know who the
15 tenants are yet. Obviously, each tenant will have a
16 different desire for sign style, color, etcetera. We don't
17 think that they will exceed what is displayed on this
18 rendering. Again, they took the liberty of showing a whole
19 bunch of different signs on that rendering. We hope that
20 at least one of the tenants would be large enough not to
21 require all of those signs.

22 CHAIRMAN STUTO: Chief?

23 MR. HEIDER: Nothing.

24 CHAIRMAN STUTO: Okay, I think that the next step
25 is to walk through the environmental.

1 Is that correct, Joe?

2 MR. GRASSO: Yes. There is a completed short
3 Environmental Assessment Form.

4 Part I describes the environmental setting of
5 the site and the project related impact.

6 Part II actually goes through the impact
7 assessment which touches on a number of categories
8 including land use, impacts on the community, flora and
9 fauna, energy, utilities and traffic. All of the analysis
10 shows that there would be no or small impact that would
11 occur.

12 Part III of the form goes through the actual
13 determination of significance. The summary is at the
14 bottom. If you have determined, based on the information
15 and the analysis above and any supporting documentation
16 that the proposed action will not result in any
17 significant environmental impacts -- that is up for the
18 Board's consideration.

19 CHAIRMAN STUTO: Do we have any comments or
20 questions?

21 (There was no response.)

22 Do we have a motion on that negative
23 declaration?

24 MS. DALTON: I'll make that motion.

25 MR. AUSTIN: Second.

1 CHAIRMAN STUTO: Any discussion?

2 (There was no response.)

3 All those in favor, say aye.

4 (Ayes were recited.)

5 All those opposed, say nay.

6 (There were none opposed.)

7 The ayes have it.

8 Next are the waivers; is that correct?

9 MR. GRASSO: Yes. I'm going to go through the
10 waivers. I'm going to paraphrase the letter, but there are
11 some excerpts from it I'm going to read just for the record.
12 The most important one is probably the incentive zoning
13 application.

14 CHAIRMAN STUTO: Okay, we'll ask our stenographer
15 to put the entire Resolution, which we have in our packet,
16 in the record.

17 MR. GRASSO: Whereas the applicant is requesting
18 a waiver from the Town of Colonie Land Use Law related to
19 the following: an increase of proposed parking greater than
20 25% more than the maximum number of parking, parking being
21 located within 10 feet of the site property line and less
22 than the required for interior landscaped islands.

23 Be it resolved that the Board hereby finds that
24 the extent of the requested waivers is not considered
25 substantial, and be it further resolved that the Board

1 finds that the applicant has established that there are no
2 practical alternatives to the proposed waivers. Be it
3 resolved that the Board hereby issues a waiver from the
4 maximum number of parking spaces of 25% more than the
5 number permitted. Be it further resolved that the Board
6 hereby issues a waiver from parking being located within
7 10 feet of the site property line. Be it further that the
8 square footage of interior landscaped islands can be
9 reduced in order to maintain additional parking spaces and
10 be it further resolved that the Planning Board finds the
11 reduction of greenspace on 109 and 111 Wolf Road is
12 approved subject to contribution of funds by the applicant
13 consistent with the Town's incentive unit schedule of
14 \$16,120 for 109 Wolf Road and \$21,072 for 111 Wolf Road.

15 Be it further that these waiver findings be a
16 conditional of site plan approval of the application and
17 kept in the projet file in the Planning and Economic
18 Development Department.

19 CHAIRMAN STUTO: Do we have any questions on that
20 Resolution?

21 (There was no response.)

22 Do we have a motion?

23 MR. AUSTIN: I'll make that motion.

24 MS. DALTON: I'll second.

25 CHAIRMAN STUTO: Any discussion?

1 (There was no response.)

2 All those in favor, say aye.

3 (Ayes were recited.)

4 All those opposed, say nay.

5 (There were none opposed.)

6 The ayes have it.

7 Now we have the main question before the Board
8 which is for final site plan approval based upon the
9 conditions set forth by the departments, by the Planning
10 Board and by the Town Designated Engineer. Do we have a
11 motion?

12 MR. AUSTIN: I'll make that motion

13 MR. SHAMLIAN: I'll second.

14 CHAIRMAN STUTO: Any discussion?

15 (There was no response.)

16 All those in favor, say aye.

17 (Ayes were recited.)

18 All those opposed, say nay.

19 (There were none opposed.)

20 The ayes have it.

21 Thank you.

22 MR. HERSHBERG: Thank you.

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24 (Whereas the above entitled proceeding was concluded
25 at 7:21 p.m.)

CERTIFICATION

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I, NANCY L. STRANG, Shorthand Reporter and
Notary Public in and for the State of New York, hereby
CERTIFY that the record taken by me at the time and place
noted in the heading hereof is a true and accurate
transcript of same, to the best of my ability and belief.

Dated: _____

NANCY L. STRANG
LEGAL TRANSCRIPTION
2420 TROY SCHENECTADY RD.
NISKAYUNA, NY 12309

